

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

Michele Denise Miller,  
Plaintiff

Case No.: 2:22-cv-01150-JAD-VCF

## **Order Staying Case Pending Arbitration**

Long Drugs dba CVS Health, et al.,  
Defendants

## Defendants

8 Pro se plaintiff Michele Denise Miller sued CVS Health for retaliation and employment  
9 discrimination based on her age and race. In November 2023, I granted CVS's motion to compel  
10 arbitration and dismiss this case.<sup>1</sup> At the time that order was issued, Ninth Circuit authority  
11 allowed district courts compelling arbitration to either stay or dismiss the case. But during the  
12 pendency of Miller's appeal of my order, the United States Supreme Court held in *Smith v.*  
13 *Spizzirri* that district courts compelling arbitration may only stay—not dismiss—such a case.<sup>2</sup>  
14 So the Ninth Circuit panel vacated my dismissal order and remanded with instructions for me to  
15 issue a stay pending arbitration instead.<sup>3</sup>

16 As the Ninth Circuit has vacated the dismissal portion of my order and “remand[ed] for a  
17 stay pending arbitration,”<sup>4</sup> IT IS ORDERED that **THIS CASE IS STAYED** pending the

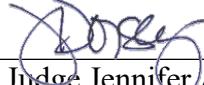
<sup>1</sup> ECF No. 37.

<sup>2</sup> ECF No. 46 at 2–3 (quoting *Smith v. Spizzirri*, 601 U.S. 472, 478 (2024)).

23 | <sup>3</sup> *Id.* at 3.

4 Id.

1 conclusion of the arbitration proceedings. **The Clerk of Court is directed to**  
2 **ADMINISTRATIVELY CLOSE this case.**

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5 U.S. District Judge Jennifer A. Dorsey  
6 March 10, 2025

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